

In re Appln. of Jean-Pierre Mouchel La Fosse
Application No. 10/534,437
Response to Restriction Requirement of June 3, 2009

REMARKS

The following remarks are responsive to the Office Action of June 3, 2009. Claims 1-17 were pending at the time of this restriction requirement.

In the Office Action dated June 3, 2009, a restriction requirement under 35 U.S.C.

§121 was set forth requiring the Applicant to elect a single invention for examination.

According to the Office Action, the inventions being restricted were indicated as follows:

Invention I	Claims 1-9 ¹ and 15-16, drawn to an on-line control system, classified in class 705, subclass 26;
Invention II	Claims 9-10, drawn to a service session supervision platform for an on-line service control system, classified in class 705, subclass 400;
Invention III	Claims 11-14, drawn to a context handler, classified in class 705, subclass 7.

Note 1: Please note that the Examiner has apparently made a mistake by including claim 9 into invention I.

In response to the Office Action dated June 3 rd , 2009 for this application, the Applicant selects Invention I (claims 1-8¹ and 15-16) with traverse.

The Examiner requests the election of one invention stating that the inventions are combination and subcombinations of one another. And that the combination does not require the particulars of the subcombinations and that the subcombination has separate utility. Further, the Examiner states that the inventions require different search and examination.

Applicant submits that the three inventions have a unique aim which is to identify a beginning and an end of an atomic section of a service session in order to keep a perceived good quality of service by the user (Application, p. 5, l. 3-14).

Specifically, Invention I relates to the method and the system to handle these atomic

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sections. Invention II is an embodiment of the platform referred to in Invention I, which is placed in a "pass-through" position (means of connection to an access network, means for communication with an application server) to analyze the traffic to detect events in a session (means of analyzing traffic) and communicate with the context handler to flag atomic sections. Invention III is an embodiment of the context handler connected to Invention II (the service session supervision platform) to store the atomic sections indicators and manage sessions accordingly.

Therefore, Invention II and Invention III are not two-way distinct with Invention I as it is their interaction around atomic sections which allows the management of the service sessions. See MPEP § 806.04(c) which requires that a combination and subcombinations be two-way distinct for a restriction requirement. Additionally, the Examiner has considered reasonably that claims 15 and 16 were part of Invention I.

Moreover, restriction is only proper when there would be a serious burden if restriction were not required. See MPEP § 806.05(c). Here, the Applicant submits that the features of the software agent of claims 15 are substantially the same features as those of the service session supervision platform of claim 9 (referred to as Invention II.) And, the features of the context handler of claim 11 (referred to as Invention III) are substantially the same features as those of claim 1, (referred to as Invention I.) Therefore, even if, at first glance, the three inventions are classified in three different search classes, they are in fact substantially similar and do not require different searches but one and only one search applicable to all claims. Therefore, it would not be a serious search and examination burden to examine all claims.

Withdrawal of the restriction requirement is requested.

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Conclusion

This application is believed to be in condition for allowance and early favorable action is requested. The Examiner is requested to call the undersigned attorney if that would be helpful in resolving any matters that might remain.

Respectfully submitted,

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